

REMARKS

In paragraph 1 of the Office Action the Examiner objected to claims 1-10 because of a list of informalities.

Reconsideration is requested.

The appropriate corrections have been made to all of the highlighted claims. It is therefore requested that the objections to the claims be withdrawn.

Claims 1 and 8 have been amended to include the subject matter of claims 2 and 4. Additional amendments have been made to improve the syntax of the claims. Support for these amendments can be found in claims 2 and 4 as originally filed and the specification page 5 line 16 to page 6, line 16. No new matter has been added.

In paragraph 3 of the Office Action, the Examiner rejected claims 8-10 under 35 U.S.C. 102 (a) as being anticipated by Rich et al., United States Patent No. 5,219,197 (hereinafter Rich et al.).

Reconsideration is requested.

Claims 8-10 now include the subject matter of former claims 2 and 4 and therefore it is believed that the above §102(b) rejection is rendered moot because the Examiner has not rejected either claims 2 or 4 under §102(b) as anticipated by Rich et al. Specifically, Rich et al. does not disclose the two absorber elements (16, 25) and their particular features, *i.e.*, "made of materials which deform under pressures of about 5-30 N/mm² which correspond to a crushing of 50%", as is now recited in amended claims 1 and 8. It is therefore requested that the §102(b) rejection be withdrawn.

In paragraph 5 of the Office Action, the Examiner rejected claims 1 and 3-7 under 35 USC §103(a) as being

unpatentable over Terada et al., United States Patent No. 5,078,439 (hereinafter "Terada et al.") in view of Glance, United States Patent No. 6,443,513 (hereinafter "Glance '513").

Reconsideration is respectfully requested.

Claim 1 has been amended to include the subject matter of claims 2 and 4. Claim 2 has not been rejected solely as obvious by the above two references. Neither of the above cited references disclose "inside said cross member, at least one second absorber element is present, which increases the force which will cause the collapse of the cross member the energy absorber by said cross member and, simultaneously, limits the overall dimensions of the entire structure" (see text of 6th paragraph of current Office Action and amended claim 1). Therefore, the above rejections are rendered moot. The remaining aspects of Terada et al. and Glance '513 will be more specifically discussed in the following section. It is therefore requested that the above §103(a) rejection be withdrawn.

In paragraph 6 of the Office Action the Examiner rejected claim 2 under 35 USC § 103(a) as being unpatentable over Terada et al., in view of Glance '513 and further in view of Glance, United States Patent Application 2002/0060462, filed June 12, 2001 (hereinafter Glance '462).

Reconsideration is respectfully requested.

Claim 2 has been cancelled, and therefore this rejection is rendered moot. However, Applicant will address the issues raised by the above rejection because the subject matter of Claim 2 has been included in amended claims 1 and 8.

Primarily, the present application claims priority to Italian Patent Application MI 2001 A 001192, filed June 6,

2001, six days before the Glance '462 patent application was filed. Glance '462 is a continuation in part application of the application which became the Glance '462 patent and therefore cannot claim the priority date of the parent application for any subject matter not filed in the parent application.

Secondly, the Glance '462 patent application does not render the present invention obvious. None of the cited references, including the Glance '462, disclose multiple absorber elements as recited in the claims of the present application that are "made of materials which deform under pressures of about 5-30 N/mm² which correspond to a crushing of 50%". Additionally, the absorber elements in Glance '462 do not disclose multiple absorber elements with the characteristics now recited in amended claims 1 and 8. Glance '462 merely shows beams reinforced with some internal structure. It is therefore requested that the §103(a) rejection be withdrawn.

Based upon the above amendments and remarks, applicant respectfully submits that of all Claims 1, 3, and 5-10 are now allowable over the prior art and that the present application is in proper form for allowance.

An early and favorable action is earnestly solicited.

Respectfully submitted,


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